

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: : Confirmation No. 3314  
Gerald Cagle et al. : Group Art Unit: 1618  
Application No. 10/715,055 : Examiner: Fay, Zohreh A.  
Filed: November 17, 2003 : Atty Dkt No.: 007109.00001  
For: METHOD OF TREATING :  
OPHTHALMIC INFECTIONS WITH :  
MOXIFLOXACIN COMPOSITIONS :

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

Pursuant to the duty of disclosure under 37 CFR §§ 1.56 and 1.97-1.98, the documents listed on the attached PTO form PTO/SB/08a are being brought to the attention of the Examiner. The Examiner is requested to initial the space adjacent each document's entry on the forms and to return a copy of the initialed forms to confirm that the documents have been considered and have been officially made of record in this application.

Applicants submitted three Information Disclosure Statements on May 8, 2008 that included materials from the litigation *Bayer Healthcare AG, Alcon, Inc. and Alcon Research, Ltd. v. Teva Pharmaceuticals USA, Inc.*, Civil Action No. 06-234 (SLR). The present submission includes Defendant Teva's post-trial briefs on invalidity and non-infringement. It is

believed the post-trial briefs may assist the Examiner in putting into context the materials included in Applicants' May 8, 2008 Information Disclosure Statements.

The Examiner is invited to telephone the undersigned at the number listed below if doing so would be helpful to resolve any outstanding issues.

Respectfully submitted,  
BANNER & WITCOFF, LTD.

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